

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EDDIE VAN OLIVER, III,

Plaintiff,

v.

**STATE OF OHIO HOUSING
DEPARTMENT, *et al.*,**

Defendants.

Case No. 2:23-cv-4268

Judge Edmund A. Sargus, Jr.

Magistrate Judge Elizabeth P. Deavers

ORDER

On February 26, 2024, the Magistrate Judge issued an Order and Report and Recommendation (“R&R”) (ECF No. 4) granting Plaintiff Eddie Van Oliver III’s request to proceed *in forma pauperis* (ECF No. 1). The Magistrate Judge ordered that Mr. Van Oliver be allowed to prosecute his case without prepayment of fees. (*Id.*) But the Magistrate Judge also recommended, after performing the initial screen of the Complaint, that the Court dismiss this action for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2). (*Id.* at PageID 97–98.) After summarizing Mr. Van Oliver’s claims, the Magistrate Judge determined that the Complaint is “compromised of ‘fantastic’ and ‘delusional’ factual allegations warranting dismissal for frivolousness” and “for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.” (*Id.* at PageID 100–01, citing *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999).)

Mr. Van Oliver was advised of his right to object to the Order and Report and Recommendation and of the consequences of failing to do so (*id.* at PageID 101–02), but did not file a timely objection.

Accordingly, the Order and Report and Recommendation (ECF No. 4) is **ADOPTED** and **AFFIRMED**. This action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2). Further, the Court certifies that an appeal of this Order adopting the Magistrate Judge's Order and Report and Recommendation would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3). The Clerk is **DIRECTED** to **ENTER JUDGMENT** and **CLOSE** this case.

IT IS SO ORDERED.

6/6/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE